

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 27, 2012

PRESENT: Supervisor Teresa Dean
 Council Mike Saglibene
 Mike Smith
 Attorney Fred Ahrens
 Town Clerk Linda Cross

ABSENT: Council Ed Fairbrother
 Andy Gillette

Supervisor Dean called the Water Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

UNFINISHED

RESOLUTION NO. 245-12
PURCHASE AND INSTALLATION OF WATER PUMP CONTROL SYSTEM FOR WATER
DISTRICTS #1 & 2 APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS, the Water District # 1 & 2 tanks and pumps require control systems to operate, and

WHEREAS, the existing controls are outdated, and

WHEREAS, AquaLogics Systems, Inc. has submitted a proposal to provide state-of-the-art technology control system

WHEREAS the Commissioner of Public Works recommends that AquaLogics Systems Inc., provide the service to design, provide and install, a state-of-the-art control system, and

WHEREAS, for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes AquaLogics Systems Inc. to provide and install a control system for the Water District #1 & 2 pumps and tanks for a sum not to exceed \$67,650.

CARRIED: AYES: Smith, Saglibene, Dean
 NAYS: None
 ABSENT: Gillette, Fairbrother

Since there was no further business to come before the Water Board, Supervisor Dean closed the Water Board meeting at 4:32 p.m.

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 27, 2012

TOWN BOARD

Supervisor Dean called the Town Board meeting to order at 4:33 p.m.

Speaker Jeff Farmer from Farmers Insurance spoke to the Town Board regarding insurance coverage's for the town.

CONSERNS OF THE PEOPLE – Margie Flynn, 6 Hillview Drive, expressed concerns about obtaining a license to have raffles at the Community Center. Supervisor Dean replied that would be considered gambling and a license is required from NYS Racing and Wagering.

Karen Estep – 47 Owen Hollow Road expressed concerns why no one from the Town was at the luncheon while Montessori School children sang, and she suggested the Town provide cookies. Supervisor Dean stated she was unaware of the children from the Montessori School was there, and if she knew she would have gladly attended.

MINUTES

Councilperson Saglibene made a motion, seconded by Councilperson Smith to approve the minutes of November 28, 2012 as presented. All in favor, except Councilperson Gillette and Councilperson Fairbrother was absent, motion carried.

NEW BUSINESS

RESOLUTION NO.246-12

SETTLEMENT AGREEMENT RELATIVE TO THE Andrew R. Mancini Associates, Inc. and Town of Big Flats vs. Thyseenkrupp Access Corp., and Access Elevator & Lift, Inc. Sean Fenton and Scott Fenton SUMMONS AND COMPLAINT APPROVED

Resolution by: Smith

Seconded by: Saglibene

WHEREAS a Summons and Complaint was duly filed with the Chemung County Clerk on March 9, 2012 with Index No. 2012-1251, and

WHEREAS said Summons and Complaint was Andrew R. Mancini Associates, Inc. and Town of Big Flats vs. Thyseenkrupp Access Corp., and Access Elevator & Lift, Inc. Sean Fenton and Scott Fenton relative to the installation of a Limited Use/Limited Application Elevator and Vertical Wheelchair Platform Lift, and

WHEREAS Thyseenkrupp Access Corp. has agreed to replace the elevator's control panel together with all of the electrical connection to the module and offer a one (1) year warranty on the entire Lift, including the control panel, connections, etc., now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Settlement Agreement regarding the Summons and Complaint known as Andrew R. Mancini Associates, Inc. and Town of Big Flats vs. Thyseenkrupp Access Corp., and Access Elevator &

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 27, 2012

RESOLUTION NO.246-12, SETTLEMENT AGREEMENT RELATIVE TO THE Andrew R. Mancini Associates, Inc. and Town of Big Flats vs. Thyseenkrupp Access Corp., and Access Elevator & Lift, Inc. Sean Fenton and Scott Fenton SUMMONS AND COMPLAINT APPROVED continued

Lift, Inc. Sean Fenton and Scott Fenton and further authorize Thyseenkrupp Access Corp. to replace the elevator's control panel together with all of the electrical connection to the module and offer a one (1) year warranty on the entire Lift, including the control panel, connections, etc.

CARRIED: AYES: Smith, Saglibene, Dean
NAYS: None ABSENT: Fairbrother, Gillette

RESOLUTION NO. 247-12
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Saglibene
Seconded by: Smith

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for December 2012, vouchers 4001583 – 4001675 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$549,100.57
HIGHWAY FUND	\$ 33,987.52
SEWER DISTRICT	\$ 101.57
WATER DISTRICT #1	\$ 5,166.38
WATER DISTRICT #2	\$ 5,095.06
WATER DISTRICT #3	\$ 1,644.24
WATER DISTRICT #4	\$ 746.21
LIGHTING DISTRICT	\$ 631.15
TRUST & AGENCY	\$ 1,042.23
DEBT SERVICE FUND	\$307,131.25

CARRIED: AYES: Smith, Saglibene, Dean
NAYS: None ABSENT: Fairbrother, Gillette

RESOLUTION NO. 248-12
BUDGET TRANSFERS APPROVED

Resolution by: Dean
Seconded by: Smith

WHEREAS a memorandum was received from the Bookkeeper, dated December 19, 2012, requesting the following budget transfers due to overspending budgets, and

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 27, 2012

RESOLUTION NO. 248-12, BUDGET TRANSFERS APPROVED continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget transfers:

To:	A1330.0100	Tax Collector	536.00
	A1490.0100	Public Works	1,686.00
From:	A1990.0400	Contingency	2,222.00

CARRIED: AYES: Smith, Saglibene, Dean

NAYS: None

ABSENT: Fairbrother, Gillette

RESOLUTION NO. 249-12
VOID CHECK APPROVED

Resolution by: Smith

Seconded by: Saglibene

WHEREAS a memorandum was received from the Bookkeeper, dated December 19, 2012 requesting authorization to void a specific check, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check #11017 for \$190.44, dated May 25, 2012 and deleting voucher # 4000920 made payable to Sansolutins Horwitz Supply.

CARRIED: AYES: Smith, Saglibene, Dean

NAYS: None

ABSENT: Fairbrother, Gillette

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 27, 2012

RESOLUTION NO. 250-12
CONCURRING WITH THE RECORDS MANAGEMENT OFFICER REGARDING THE
FOIL REQUEST MADE BY LOWE'S PROSERVICES APPROVED

Resolution by: Saglibene
Seconded by: Smith

WHEREAS the Records Management Officer received an email from Dan Mullen on behalf of Lowe's, dated November 8, 2012, requesting a copy of the current building permits for Big Flats so that he can find more jobs for Lowe's to bid, and

WHEREAS a denial was send to Mr. Mullen identifying that disclosure would result in an unwarranted invasion of personal privacy, and

WHEREAS Mr. Mullen has submitted an appeal to the Town of Big Flats Town Board, dated December 16, 2012, stating the request in no way shape or form violates Subdivision 2 of Section 87 of the Freedom of Information Law, and

WHEREAS the Town Board has reviewed the original request, response, appeal, and Chapter 2.04, Public Records, of the Town of Big Flats Municipal Code, and

WHEREAS the Town Board has reviewed opinions issued by the Department of State Committee on Open Government, now

BE IT THEREFORE RESOLVED the Town Board finds that the Records Management Officer was within her rights to deny the request of a copy of the current building permits for Big Flats so that he can find more jobs for Lowe's to bid based upon provisions of Public Officer Law, Article 6, §87(2)(b), specifically §89(2)(b)(iii), and

FURTHER RESOLVED the Town Board request the Records Management Officer to forward a certified copy of this resolution to Mr. Mullen and to the Department of State Committee on Open Government in accordance with and Chapter 2.04, Section 2.04.080(A) of the Town of Big Flats Municipal Code.

CARRIED: AYES: Smith, Saglibene, Dean
NAYS: None ABSENT: Fairbrother, Gillette

RESOLUTION NO. 251-12
STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT WITH ARNOT
ASSOCIATES III, LLC APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS The Town of Big Flats shall enter into a Stormwater Control Facility Maintenance Agreement pertaining to Hickory View Apartments with Arnot Associates III, LLC. , and

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 27, 2012

RESOLUTION NO. 251-12, STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT WITH ARNOT ASSOCIATES III, LLC APPROVED continued

WHEREAS such agreement shall be binding on all subsequent landowners and recorded in the office of the county clerk as a deed restriction on the property prior to final plan approval, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts and shall enter into such Stormwater Control Facility Maintenance Agreement received December 13, 2012.

CARRIED: AYES: Smith, Saglibene, Dean

NAYS: None

ABSENT: Fairbrother, Gillette

RESOLUTION NO. 252-12

AUTHORIZING THE DECLARATION OF THE A PORTION OF LAND BETWEEN Tax Parcel 66.01-3-79, currently owned by Mr. and Mrs. John Mourey, and Tax Parcel 66.01-3-78, currently owned by Mr. and Mrs. Robert Drake AS SURPLUS APPROVED

Resolution by: Saglibene

Seconded by: Smith

WHEREAS a parcel of land is carried on the Chemung County's tax records as belonging to the Town of Big Flats, and

WHEREAS the parcel of land is identified as a parcel between Tax Parcel 66.01-3-79, currently owned by Mr. and Mrs. John Mourey, and Tax Parcel 66.01-3-78, currently owned by Mr. and Mrs. Robert Drake, and

WHEREAS it has been determined that said parcel is no longer needed for Town purposes, and

WHEREAS it is recommended the Town Board convey the parcel by quit claim deed to adjoining property owners, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board declares said parcel as surplus.

CARRIED: AYES: Smith, Saglibene, Dean

NAYS: None

ABSENT: Fairbrother, Gillette

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 27, 2012

RESOLUTION NO. 253-12

AUTHORIZING THE DECLARATION OF THE A PORTION OF LAND BETWEEN Tax Parcel 98.05-3-25, currently owned by Mr. and Mrs. Edward Dailey, and Tax Parcel 98.05-3-24, currently owned by Mr. and Mrs. Gordon Bouchard AS SURPLUS APPROVED

Resolution by: Smith

Seconded by: Saglibene

WHEREAS a parcel of land is carried on the Chemung County's tax records as belonging to the Town of Big Flats, and

WHEREAS the parcel of land is identified as a parcel between Tax Parcel 98.05-3-25, currently owned by Mr. and Mrs. Edward Dailey, and Tax Parcel 98.05-3-24, currently owned by Mr. and Mrs. Gordon Bouchard, and

WHEREAS it has been determined that said parcel is no longer needed for Town purposes, and

WHEREAS it is recommended the Town Board convey the parcel by quit claim deed to adjoining property owners, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board declares said parcel as surplus.

CARRIED: AYES: Smith, Saglibene, Dean

NAYS: None

ABSENT: Fairbrother, Gillette

RESOLUTION NO. 254-12

RECEIVING AND ACCEPTING THE DECEMBER 27, 2012 COMMUNICATIONS LOG

Resolution by: Saglibene

Seconded by: Smith

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

December 17, 2012

NYSEG – RE: Proposed Seneca West Pipeline Interconnection Project Update. *Referred to: filed with the Town Clerk.*

Chemung County Legislature – RE: Amendment to Sales Tax Agreement. *Referred to: filed with the Town Clerk.*

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 27, 2012

RESOLUTION NO. 254-12, RECEIVING AND ACCEPTING THE DECEMBER 27, 2012
COMMUNICATIONS LOG continued

NSM News – RE: 2012 Annual Report. *Referred to: filed with the Town Clerk.*

December 18, 2012

STEG – RE: 2012 Annual Report. *Referred to: filed with the Town Clerk.*

December 20, 2012

Southern Tier – RE: 2012 Regional Council Projects. *Referred to: Town Board, filed with the
Town Clerk*

CARRIED: AYES: Smith, Saglibene, Dean

NAYS: None

ABSENT: Fairbrother, Gillette

Supervisor Dean made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 5:26 p.m. All in favor except Councilperson Gillette and Councilperson Fairbrother was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk